PUBLIC GUARDIAN AND TRUSTEE OF SASKATCHEWAN

ESTATES AND TRUSTS UNDER ADMINISTRATION

FINANCIAL STATEMENTS

For the Year Ended March 31, 2009

Provincial Auditor Saskatchewan

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SASKATCHEWAN

AUDITOR'S REPORT

To: The Members of the Legislative Assembly of Saskatchewan

I have audited the balance sheet of the Public Guardian and Trustee of Saskatchewan – Estates and Trusts under Administration as at March 31, 2009 and the statements of common fund earnings and undistributed earnings and changes in trust funds for the year then ended. The Public Guardian and Trustee's management is responsible for preparing these financial statements for Treasury Board's approval. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Public Guardian and Trustee of Saskatchewan – Estates and Trusts under Administration as at March 31, 2009 and the results of its operations and changes in trusts for the year then ended in accordance with Canadian generally accepted accounting principles.

Regina, Saskatchewan
June 2, 2009

Fred Wendel, CMA, CA
Provincial Auditor

PUBLIC GUARDIAN AND TRUSTEE OF SASKATCHEWAN
ESTATES AND TRUSTS UNDER ADMINISTRATION
BALANCE SHEET
AS AT MARCH 31 **STATEMENT 1**

(in 000's)

	2009	2008
ASSETS		
Cash and Due from General Revenue Fund (Note 5)	$ 4,407	$ 2,769
Interest and Dividends Receivable	845	876
Common Fund Securities (Schedule 1 & Note 4)	107,536	125,029
Individual Trust Assets (Schedule 2)	29,334	26,885
TOTAL ASSETS	$ 142,122	$ 155,559
LIABILITIES		
Accounts Payable (Note 7)	$ 5,601	$ 3,836
Mortgages and Loans Payable	477	277
	6,078	4,113
Trust Equity		
Trust Equity	142,148	138,608
Undistributed Earnings (Statement 2)	(6,104)	12,838
	136,044	151,446
TOTAL LIABILITIES AND TRUST EQUITY	$ 142,122	$ 155,559

(See Accompanying Notes to the Financial Statements)

PUBLIC GUARDIAN AND TRUSTEE OF SASKATCHEWAN
ESTATES AND TRUSTS UNDER ADMINISTRATION
STATEMENT OF COMMON FUND EARNINGS AND UNDISTRIBUTED EARNINGS
FOR THE YEAR ENDED MARCH 31 **STATEMENT 2**

(in 000's)

	2009	2008
REVENUE		
Interest and Dividends (Note 3 (ii))	$ 4,324	$ 4,593
Common Fund Realized Gains, Losses and Market Value Appreciation	(17,801)	(3,720)
	(13,477)	873
Less: Management Fees	(256)	(320)
Earnings Available for Distribution	(13,733)	553
Distributed Earnings (Note 3 (iii))		
Interest and Dividends	(4,091)	(4,262)
Realized and Unrealized Capital Gains	(1,118)	(3,988)
Undistributed Earnings Previous Year	12,838	20,535
UNDISTRIBUTED EARNINGS, END OF YEAR	$ (6,104)	$ 12,838

(See Accompanying Notes to the Financial Statements)

PUBLIC GUARDIAN AND TRUSTEE OF SASKATCHEWAN
ESTATES AND TRUSTS UNDER ADMINISTRATION
STATEMENT OF CHANGES IN TRUSTS FUNDS
FOR THE YEAR ENDED MARCH 31 **STATEMENT 3**

(in 000's)

	2009	2008
Increase in Trusts Funds		
Trusts Funds Acquired		
Cash	$ 3,506	$ 3,660
Common Fund Earnings Available for Distribution	(13,733)	553
Other Amounts Received on Behalf of Clients	29,730	25,024
Total Increase in Trusts Funds	19,503	29,237
Decrease in Trusts Funds		
Trusts Funds Released		
Cash	15,476	14,538
Payments Made on Behalf of Clients	19,325	17,792
Administration Fees (Note 6)	2,554	2,625
Total Decrease in Trusts Funds	37,355	34,955
Net Change in Individual Non-cash Assets	2,450	4,646
Decrease in Trusts Funds	(15,402)	(1,072)
Balance, Beginning of Year	151,446	152,518
TRUSTS FUNDS, END OF YEAR	$ 136,044	$ 151,446

(See Accompanying Notes to the Financial Statements)

PUBLIC GUARDIAN AND TRUSTEE OF SASKATCHEWAN
ESTATES AND TRUSTS UNDER ADMINISTRATION
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED MARCH 31, 2009

1. Authority and Purpose

Effective April 1, 1984 the Office of the Public Guardian and Trustee of Saskatchewan was established pursuant to *The Public Trustee Act* and continued under *The Public Guardian and Trustee Act. The Public Trustee Act* was repealed and *The Public Guardian and Trustee Act* was proclaimed effective May 17, 2002.

Section 3(1) of *The Public Guardian and Trustee Act* states:

> 3(1) The Public Trustee is continued as a corporation sole under the name of the Public Guardian and Trustee of Saskatchewan.

Section 3(3) of *The Public Guardian and Trustee Act* states:

> 3(3) The public guardian and trustee is the successor in office to:
>
> > (a) the Official Guardian appointed pursuant to *The Infants Act*; and
> > (b) the Administrator of Estates appointed pursuant to *The Administration of Estates of Mentally Disordered Persons Act.*

Effective November 12, 1992, the Public Trustee became the official administrator for each judicial centre pursuant to *The Queen's Bench Act*. (Now *The Administration of Estates Act*)

Effective August 13, 2002, the Public Guardian and Trustee became responsible for holding property for persons whose whereabouts is unknown.

The mandate of the Office of the Public Guardian and Trustee is to:

(a) protect property rights of children under the age of eighteen;
(b) administer the property and finances of adults who are incapable of managing their financial affairs, monitor other property guardians and investigate allegations of financial abuse;
(c) administer the estates of deceased persons;
(d) administer the estates of missing persons, and
(e) hold and administer unclaimed property.

2. Scope of the Financial Statements

These financial statements reflect the assets and liabilities of estates and trusts under the administration of the Public Guardian and Trustee. In addition, these financial statements reflect the annual changes in those assets and liabilities including:

a) revenue earned on behalf of clients;
b) income received on behalf of clients;
c) new client account additions;
d) released client withdrawals;
e) payments made on behalf of clients; and
f) administration fees payable to the Public Guardian and Trustee.

The operating costs of the Office of the Public Guardian and Trustee are included in the appropriation of the Ministry of Justice and Attorney General.

3. Significant Accounting Policies

These financial statements are prepared in accordance with Canadian generally accepted accounting principles. The following policies are considered significant.

(i) Common Fund Securities

Common fund securities, primarily bonds, debentures and shares, are stated at market value. Market value is determined with reference to closing year-end sale prices from recognized security dealers. In the absence of recorded sales, market value is determined by reference to closing year-end bid and ask prices.

Short-term investments are stated at cost, which approximates market value.

(ii) Common Fund Income Recognition

Income earned on common fund securities is recorded using the accrual basis of accounting with amounts earned in the fiscal year but not received prior to the year-end reflected as interest receivable.

(iii) Common Fund Distribution

Common fund investments generate interest, dividends, realized and unrealized capital gains (losses) income. Pursuant to section 5, 6 and 7 of The Public Guardian and Trustee Regulations, interest, dividends and gains (losses) income earned on the common fund investments are to be calculated and distributed to client trust accounts after the end of each quarter. Section 6 and 7 outline how interest and dividends shall be calculated. Section 7 allows the Public Guardian and Trustee to set the amount of capital gains (losses) to be distributed.

As the investment accounts are stated at market value, the undistributed interest, dividends and capital gains (losses) for the quarter ended March 31 are included in the financial statements as part of the investment value and the undistributed client equity. These interest, dividends and capital gains (losses) amounts are distributed to the client equity accounts in the following year.

(iv) Individual Trust Assets

Individual trust assets consist of accounts receivable, commodities, individual trust securities, personal property and insurance and real estate. Individual trust securities, primarily term deposits, bonds and RRSP accounts are initially stated at market value at the date the Public Guardian and Trustee assumes control of the securities. For financial statement purposes, these securities are adjusted to the market value annually using the most recent valuation information available. Adjustments between the most recent available information and March 31 of each year for a particular client are likely minimal and would affect the value of the asset and the trust liability equally.

Shares are initially recorded at the market value at the time the Public Guardian and Trustee assumes responsibility for control of the investment. Subsequent increases or decreases in the market value are reflected in the trust accounts annually. Where a market value for a share is not readily available, the shares are recorded for accountability purposes at a nominal value of $1.

Other individual trust assets consist of commodities, real estate, personal property, life insurance policies, pension plans and annuity contracts and are stated at the following values:

(a) **Commodities** are stated at market value, which is determined annually with reference to the estimated final delivery price for the particular commodity.

(b) **Real estate,** including real estate holdings for infants where the Public Guardian and Trustee is appointed property guardian, are initially recorded at appraised value at the date the Public Guardian and Trustee assumes control of the asset or at cost if the real estate is purchased on behalf of clients by the Public Guardian and Trustee. Real estate values are adjusted to appraised values annually. If no valuation information is available, these assets are recorded at a nominal value of $1.

(c) **Miscellaneous Personal Property** is stated at amounts determined from information available to the Public Guardian and Trustee at the date the Public Guardian and Trustee assumes control of the assets. Subsequent adjustments are made if additional valuation information is received. If no valuation is available, these assets are recorded at a nominal value of $1.

(d) **Life Insurance Policies** that carry a cash surrender value are stated at the cash surrender value as determined with reference to the most recent valuation information available prior to March 31. Policies that do not carry a cash surrender value are stated at a nominal value of $1.

(e) **Pension Plans and Annuity Contracts** are stated at residual value as determined with reference to the most recent evaluation information available prior to March 31 of each year. Pension plans and annuity contracts with no residual value are stated at a nominal value of $1.

(v) Use of Estimates

Preparation of financial statements in accordance with Canadian generally accepted accounting principles requires management to make estimates and assumptions in determining the reported amounts for assets and liabilities. Actual results could differ from management's best estimates, as additional information becomes available.

(vi) Financial Instruments

All financial assets and financial liabilities must be identified and classified. This classification determines how each financial instrument is measured. The Public Guardian and Trustee's financial instruments and their classification are as follows:

Financial Instrument	Classification
Interest and Dividends Receivable	Loans and receivables
Cash and Due from General Revenue Fund	Held for trading
Common Fund Securities	Held for trading
Individual Trust Assets	Held for trading
Accounts Payable	Other financial liabilities
Mortgages and Loans Payable	Other financial liabilities

Held for trading financial assets and liabilities are measured at fair value. Changes in the fair value of Common Fund Securities is recognized in the Statement of Common Fund Earnings and Undistributed Earnings. Changes in the fair value of other held for trading financial instruments is recognized in the Statement of Changes in Trust Assets. Transaction costs are expensed as incurred for financial instruments classified as held for trading. Loans and receivables and other financial liabilities are measured at amortized cost. Due to their short term nature, the amortized cost of these instruments approximates their fair value.

As at March 31, 2009 the Public Guardian and Trustee does not have any contracts or financial instruments with embedded derivatives.

(vii) Recent Accounting Pronouncements

Effective April 1, 2008, the Public Guardian and Trustee adopted the CICA Handbook Sections 3862 - Financial Instruments - Disclosures, and 3863 - Financial Instruments - Presentation. Section 3862 provides standards for disclosure of the risks arising from financial instruments to which the Entity is exposed, and how the risks are managed by the Entity. Section 3863 provides standards for the presentation of financial instruments and non-financial instrument derivatives. These new requirements are disclosure only and did not have an impact on the Public Guardian and Trustee's financial statements.

4. Common Fund Securities

The Public Guardian and Trustee Act provides as follows:

47(1) The Public Guardian and Trustee shall:

(a) place money received by the Public Guardian and Trustee pursuant to this Act, any other Act or court order in a common fund; and

(b) subject to the approval of the Investment Board, invest in the name of the Public Guardian and Trustee that part of the common fund that in the Public Guardian and Trustee's opinion is not immediately required for persons for whom the Public Guardian and Trustee holds funds.

Common Fund Securities are invested through a single "common" fund to ensure consistency of return among clients. The investment objectives of the common fund are to achieve at least market returns with prudent risk diversification, with the potential for enhanced returns through active investment management for a majority of the portfolio. The Public Guardian and Trustee recognizes that there are diverse time horizons for its clients and that capital preservation is of primary concern. The employed investment objectives include a multiple asset, total return approach which values all types of investment income equally, a moderate income requirement to supplement other liquidity sources, a requirement for stability and maximization of return, and a degree of inflation protection and capital appreciation.

The Public Guardian and Trustee recognizes that, by their nature, investments carry with them certain risks. The investment policy employed by the Public Guardian and Trustee is designed to mitigate these risks as much as possible by placing restrictions on the overall content and quality of the permitted investments. The following describes the risks associated with the investment portfolio, managed through an investment manager, by the Public Guardian and Trustee.

Price Risk

Price risk refers to the potential that the value of investments will fluctuate as a result of foreign currency, interest rate and general market changes.

The value of the common fund investments will fluctuate with changes in foreign currency, interest rate and general market changes. To mitigate these risks the Public Guardian and Trustee works with an investment manager that actively manages asset class allocations through a balanced fund approach. The employed investment policy limits foreign currency exposure by permitting a maximum of 40% foreign investment with a stated benchmark of 26% foreign investment. The policy also limits market risk by permitting a maximum of 50% equity investment, including foreign equities with a benchmark of 40% equity investment. The Public Guardian and Trustee manages interest rate risk by limiting the quantity and quality of interest rate sensitive investments to a maximum of 100% of the portfolio with a benchmark

of 59% fixed income securities. Market risk is managed by taking a conservative prudent approach to investment.

Credit and Liquidity Risk

Credit and liquidity risk arises from the potential for an investee to fail or for an issuer to default on its obligations to the common fund. The Public Guardian and Trustee mitigates this risk by limiting the quantity and quality of the permitted investments to high quality, highly rated equity investments and highly rated fixed income securities.

5. Due from the General Revenue Fund

The Public Guardian and Trustee's operating and fees bank accounts totalling $4,377,600 (2008 - $2,715,525) are included in the Consolidated Offset Bank Concentration arrangement for the Government of Saskatchewan. Interest earned on the balance attributed to the Public Guardian and Trustee is calculated and paid quarterly into the Public Guardian and Trustee's operating account using the Government's thirty day borrowing rate and the Public Guardian and Trustee's average daily bank account balance. The Government's average thirty day borrowing rate for the year-ended March 31, 2009 is 1.95% (For the year-ended 2008 it was 4.17%).

6. Administration Fees

Pursuant to the provisions of *The Public Guardian and Trustee Regulations* and *The Administration of Estate Regulations,* the Public Guardian and Trustee may charge a fee for services performed in the management of client accounts. Such fees charged are payable to the General Revenue Fund of the Province of Saskatchewan.

7. Accounts Payable

Accounts payable represent encumbrances of client assets that are payable to independent third parties. These client obligations are settled, as client resources become available. In some cases, a client's liabilities exceed the stated value of their assets. These items are included as accounts payable and are paid, as the resources of the client become available to do so.

Accounts payable consist of the following balances:

	(in 000's) 2009	2008
Accounts Payable to Third Parties	$ 4,313	$ 3,168
Administration Fees Payable to the Public Guardian and Trustee	1,288	668
	$ 5,601	$ 3,836

8. Common Fund Earnings Distributions

In April 2009, the Public Guardian and Trustee distributed interest, dividends and capital gains (losses) for the quarter ended March 31, 2009, in the amounts as follows (in 000's): interest $727 (2008 - $802), dividends $106 (2008 - $73), foreign dividends $63 (2008 - $50) and capital gain (loss) ($456) (2008 - $708).

9. Related Party Transactions

Victim's Fund

The Public Guardian and Trustee holds and invests funds for the Victim's Fund established pursuant to *The Victims of Crime Act, 1995*. Earnings are allocated pursuant to sections 5, 6 and 7 of *The Public Guardian and Trustee Regulations*, but no fee pursuant to those regulations is charged.

The trust equity held on behalf of the Victim's Fund, the amount due to the Victim's Fund, and the Common Fund earnings distributed to the Victim's Fund is as follows:

	(in 000's) 2009	2008
Trust Equity at March 31	$ 784	$ 750
Common Fund earnings distributed During the year	$ 34	$ 37
Common Fund earnings to be Distributed in April	$ 3	$ 11

PUBLIC GUARDIAN AND TRUSTEE OF SASKATCHEWAN
ESTATES AND TRUSTS UNDER ADMINISTRATION
SCHEDULE OF COMMON FUND SECURITIES
FOR THE PERIOD ENDED MARCH 31, **SCHEDULE 1**

(in 000's)

	2009		2008	
		% of Portfolio		% of Portfolio
Bonds and Debentures				
Government of Canada	$ 14,250	13%	$ 21,559	17%
Province of Saskatchewan	1,795	2%	927	1%
Other Provinces	15,224	14%	20,158	16%
Corporations	31,329	29%	23,716	19%
Total Bonds and Debentures*	62,598		66,360	
EAFE Pooled Equity Fund	12,487	12%	16,352	13%
Other Equities				
Canadian	14,052	13%	16,397	13%
Foreign	15,126	14%	16,832	14%
Short Term Investments*	3,273	3%	9,088	7%
TOTAL COMMON FUND SECURITIES	$ 107,536		$ 125,029	
Total Canadian Investments	79,923	74%	91,845	73%
Total Foreign Investments	27,613	26%	33,184	27%
TOTAL COMMON FUND SECURITIES	$ 107,536		$ 125,029	

*All Investments held are Canadian

PUBLIC GUARDIAN AND TRUSTEE OF SASKATCHEWAN
ESTATES AND TRUSTS UNDER ADMINISTRATION
INDIVIDUAL TRUST ASSET
FOR THE PERIOD ENDED MARCH 31, **SCHEDULE 2**

(in 000's)

	2009	2008
Accounts Receivable	$ 2,823	$ 2,148
Commodities	56	103
Individual Investments	10,308	11,011
Personal Property and Insurance	4,043	4,002
Real Estate	12,104	9,621
Total Individual Trust Assets	$ 29,334	$ 26,885